

11-CV-05068-CLM

FATLES District Court
FILED JUL 29 2011
RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMAMagistrate KAREN STRONBERG
Judge Presiding

JUL 29 2011

Thomas Leland Hoy
PLAINCity of Lakewood
City of Tacoma
County of Pierce
State of Washington
DefendantsCLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

NOTE C11-5068 B HS/KLS

Cause for AMERITIOTS CLAIM
for Summon And Complaint
Pursuant to 42 USC § 1983 And
[42 USC 1983 § 1304] NOT
ABSOLUTE IMMUNITY

To CLAIM Absolute Immunity, in this INTED-
 iATE CASE WAS ERROR. A General Indifference
 to a Prisoners Serious Medical Condition/Needs is
 CRUEL Punishment. Rutter v Massachusetts Gen-
eral Hospital 463 US 239, 244 (1983) BELL v
Wolfish 441 US 520, 535 n16 (1976) Block v

Ruthie Ford 468 U.S. 576, 584 (1981) Abuse UNNECESSARY
 the Language of the Eighth Amendment, Due Process
 coming under the fourteenth Amendment shall
 BE PROVED that WANTON Conduct, EXCESSIVE FORCE,
 EXCESSIVE Bail, CRUEL AND UNUSUAL PUNISHMENT AND
 is REPUGNANT to the CONSCIENCE of Mankind,
 conduct that SHOCKS the CONSCIENCE OR AFFORDS
 BRUTALITY the CLOAK OF the LAW, INCONSISTENT
 with the CONTEMPORAY STANDARDS of DECENCY.

Daniels v Williams 474, 327, 334 n3 (1986)

Rochin v California 342 US 165, 172, 173 (1952)

GREGG v GEORGIA 428 US 153, 173, (1976) EXPRESS

INTEND to wanton infliction of unnecessary Pain. Violations ARE WELL ESTABLISHED in deliberately caused PLAINtiffs Jaw Broken, teeth Broken, Torn and Torn MEDICAL CARE, Snatched out of chair by CHAIN Resting on L4-S SiaLIC NERVE ultra fine condition of Narrowing of the SPINE is classified IS ABUSE OF DISCRETION along with Neglect to USE AS PROVIDERS CONSIDERATION A PROFESSIONAL Standard of CARE.

Officer Rambert Smashed Plaintiff face Against A CEMENT wall After dragging Plaintiff By chain Around the waist 1000 yards back From Court. THE UN-BEARABLE Pain was Intoxicating And the Wanton Intent was OBVIOUS, OVERT And OBTRUSIVE.

Stratos Giant INJURED Plaintiff on Jan 26 2010 while illegally Arresting the Victim without A BADGE, OR A WARRANT. He Had A Two Million dollar Bail Motion, And A Bogus Possession Offender claim that unfortunately did Not come thru for Him.

Stratos Giant Placed A "THREE STRIKE" TAG on Victim in the Hallways of Justice RACIAL PROFILED AND DEPRIVED Victim of A Right to SPEEDY TRIAL, Right to Effective Counsel, And it is CRUEL AND UNUSUAL PUNISHMENT where Officials Exhibit "deliberate"

"Indifference" to medical CARE. Misdiagnosed For victims 660 Blood Sugar Adverse Reaction to A LEAKING Coatedzone / Lidocaine shot into the Blood System. The Pierce County Sheriff M. Scott had looked the other way and determined that A "three Steker" was Not Entitled to Standards of CARE BECAUSE the Life without Parole Sentence will hold Victim where the procedure is passed over to the Prison System And the Pierce County would save time And money.

FESTER & GOMBLE (Prosecuting for Cruel-And-Barbarous-Punishment) Body Sores over A YEAR old Refused to heal under a Special Diet of Low Calories that Made Weight Loss of ten to twenty Pounds A week, is CRUEL AND UNUSUAL PUNISHMENT.

Six foot ten" Two hundred And eighty Pounds when Victim was ARRESTED and Now ONE hundred And Seventy Six Pounds through starvation tactics that despite Hundreds of Kites And Begging, Pleading And CRYING to DR. ORLIZ AND Mary Scott who ARE IGNORING Neck disorder And two Sleep Study Appointments were CANCELLED Strictly BECAUSE of the Bill A study would REVEAL.

DR ORLIZ DELIBERATELY withheld medication from Plaintiff/victim CAUSED immediate UNNECESSARY Pain and suffering.

GRIEVANCE FORMS AND KITES ON RECORD of the many Complaints gone unnoticed BY

(3)

The entire Medical Staff and the Judge Presiding Himself John McCarthy.

Sgt. Official Shultz threatened to "Light your Ass up" with his FASTER while discriminating Against this victim due to the many Grievances & placed on Official Thugs And Papp for using the "Three Striker" try to Mistreat and Belittle, denoun and follow up the Plaintiff.

Assaulted By Jamir, Teacy and Embrey who At different days and times jump on my BACK, Socking the Victim, Suck & Punchd Victim And trying to take Commissary from the Plaintiff.

The duty to Protect Inmates from Injuries is SANCTIONED, INCLUDING to BE free from the Guards or Correction Officers Brutally As in Snatching Victim Out of His Chair in the Court Room to give the people a display that is PERCEIVED AS friend to Victim CASE And charges.

Steven Gond SNAPPED my Neck WHERE the damage is worsening every day, HE did NOT HAVE ANY Authority to take Victim under ARREST. 42 USC §1983 §1304 HE CAN NOT CLAIM ABSOLUTE IMMUNITY.

Officials Must BE LIABLE for inhumane man Handling an Inmate causing INJURIES. FERN-ELIUS V Pierce 22 Cal 2d 226 138 P2d 12 (1943)

FARME V Rutherford 136 Kan 298, 15 P2d 474 (1932)

Bowman V Hayward 1 Utah 2d 131, 262 P.2d 957 (1953)
Right to BE FREE from Offensive bodily contact

That is Intentionally Inflicted upon Victim Just
Because Health Problems Reflect How Weak A 176 Pound
6' 10" SKINNY OF A MAN the Victim Is Against His
Will. State Remedies § 11.11

Civil disabilities Litigation of Persons with Disabilities Act. Actions ARE NOT ABSOLUTE. Actual Innocence in the matters Before the Court of Appeals, Supreme Court, District Court And the Division Court finds Plaintiff seeking his Relief Pursuant to RCW 2.64.110 - RCW 4.12.050 And US Constitution Art 46.31

Washington Code of Judicial Canons 2(a)-3(a)
3(b) 3(d) Racial Profiling And Preconceived Expressions of Guilt Does Not Apply to Adversary Procedures.

MALLY V BEIGG 42 USC § 1983 § 1304 State v
ROBERTS 87 Wash 2d 829 S.Ct Concluded that
185 Sct 506 Can Not Claim Absolute Immunity
[VOL 1 Chapter 13] Actions And Sanctions for Mist Conduct.

State v Dominguez 81 un App 325, 914 P2d 141 (1996) 12 CASES OF MISCONDUCT, Holding Hearings without Accused Personage, Threats of Life without Parole, JAILED for Test in Violation of Canon 2(a)
Art 1914, CRUEL AND UNUSUAL PUNISHMENT. Poor Jail Medical Standards caused Deprivation of Victims Right to Life, Liberty, And Property, Starved His Health to where Now the Recuperation Strains

Impossible. Grievances from Western State Hospital And Pierrick County Jail All Point to a Constitutional Magnitude that the so call Deficiencies.

Certainly on 7-24-72 ASSULT in Pierrick County will be Substantially cured of deficiencies by Records of the Responding Officers Names who told Victim to LEAVE THE LOUNGE OR YOUR OTHER LAW WILL BE BROKEN AS WELL.

Prosecutor Frederick Fleming knew that Dawn Strain and Michael Fostion had outstanding Warrants for ASSAULT and would not be testifying Against Victim/Plaintiff. This Misconduct of Withholding EXCULPATORY Evidence FAVORABLE to the Defense is REPUGNANT and the RESULT from Officer Searbury BEATING UP the Victim in front of David Johnson Attorney at Law that told Plaintiff HE WAS READY TO SEE the JAIL AND OFFICER. This would HAVE SIGNED My Death WARRANT for Sure.

United States V Price 566 F 3d 900 (9th Cir 2009) conviction OVERturned Because Prosecutor failed to turn over Evidence that could have undermined the CREDIBILITY of the Star witness. Failure to disclose Requires us to Vacate his conviction and Sentence. United States V Carrion-Torres 536 f 3d 1 (1st Cir 2008)

Judge Fleming is that Prosecutor of whom 40 years Ago Engaged in threats & Prosecutorial Misconduct in-

Violating "Swim or Drown" comment About the Statement By the Honorable Judge Hernandez who told Lucille Floyd that the "Tiki" was No Place for Anyone to patronize, You lucky Thomas was Not found face down in the Commerment Bay."

City of Lakewood, Their Police Officers And the Washington State Patrol Have taken Property Unlawfully By Search & Seizure through A WARRANTLESS Search and false ARREST By Officer Darcy WSP. IN Jan 2008, the Arrest Documents though Ducus tecum SURNAM with All due Respect, Should Cure Any deficiencies in the Victims Return of Property CLAIM.

Indigentely gathers the gathering of Records, Names, dates And times. Phone restriction for Nine Months have every resource in limbo. Don't fault the Plaintiff for the Slow moving Court CLERKS Records because the Federal Mailbox Rule will find Plaintiff in compliance with diligently Responding to any and all Court Orders.

The Eighth And Fifth Amendment failure to Protect claim make the Pierce County Jail Staff under Chief Kerr Responsible and LIABLE for these Separate Events of Assault By Tumbay, Jaeger and Jamir, All Inmates who sought Plaintiff out Because Health And weight made Perry out of

Plaintiff know through the Kites, stating that they were enemies in my tank unit.

Planned factually, PLAUSIBLE, the Respondents ARE LIABLE for the misconduct Alleged (Cote v. Homex, Dist.Colo. No. 599 F3d 856, 861 (3rd Cir 2010)) In the determination of the factual PLAUSIBILITY of A CLAIM, the Court must "Accept the Allegations contained in the Complaint AS TRUE AND DRAW ALL REASONABLE INFERENCES in favor of the Non-Moving Party." Coons v. Minn. 410 F3d 1036 1039 (8th Cir 2005)

Actions ARE NOT ABSOLUTE, Immunity does NOT apply to the Arrestation Procedures. Repugnant to the principles of fundamental FAIRNESS.

Plaintiff HAS Suffered in the Hand of the Afore mentioned Municipalities, their Agents have ABUSED the Laws of the US Constitution to Racially Profile Plaintiff to that at the beginning trial, INTURED the Victim And took Property in UN WARRANTED Searches, with Out Return of the Property.

WHILE IN CUSTODY unable to RETRIEVE the NECESSARY Information Judge Sherman finds is Redundant in ORDER to present a Claim. The Plaintiff does PRAY that Such time is given to Retain this ISSUE of deficiencies and find that the FACTS ARE REASONABLY Covered By Law and Civil Right to EQUAL protection Against Any

Degradations of Life, Liberty, and Property. The Plaintiff Set Out in Complain the Loss, the Injuries the People Responsible And They Because A 58 Year Old man does Not HAVE FREQUENT ACCESS To THE Police Reports THE ENTIRE AND HELICOPTER Film At This Time Is No Reason To Say The Claim LACKS MERIT.

Medical Records can be Subproduced As WELL AS ANY PROOF THE COURT SEEKS fit. The Plaintiff Suffers EVERY day And is Agitated THEREBY. TO SAY THERE IS NOT AN ARGUABLE BASIS in LAW OR fact is PREMATURELY OVERZEALOUSNESS.

PROOF CAN BE THE UNNECESSARY forcing in A Tacoma Obeyciling (CW) on 07-29-07 WHERE THE SOLE REASOON FOR ARREST is due to Remarks made EARLIER that day in Not knowing WHERE Suspect TRIVOR has gone. THEY TOOK IT OUT on An INNOCENT man in the MIDDLE of the Street and THREW Plaintiff in the Back with Hands Held High in the Air.

ON 11-11-07 Plaintiff teeth were Broken when Body Slammed onto House from His Mouth. THERE WERE NO REASON for that other than wanton conduct to CAUSE Pain and INJURY intentionally By Police and, on Malicious Mischievous CHARGE. OFFICER NAMES and RECORD CAN BE

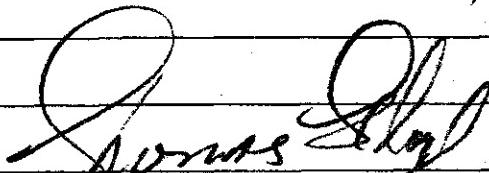
Medr Available AS WELL.

Plaintiffs Dentist Has Record of the corrective
MEASURES to temporarily make Plaintiff more
Comfortable with his Substantial Disfigurement.

It is More than unfair to HAVE Plaintiff
to Skim and present an entire step by step
disclosure without benefit of the Court Clerks
Assistance in Securing material Evidence that
is in the EXCLUSIVE control of the Respondent
And HAS FAVORABLE facts in proving that Relief
Should Be Granted

The Aforementioned is true to my knowledge:

Dated 7-25-11


Thomas Floyd
In Propria Persona